

Article - Labor and Employment

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§10–102.

- (a)
 - (1) There is an Injured Workers' Insurance Fund.
 - (2) The Fund is an instrumentality of the State.
- (b) On and after October 1, 2013, the Company, and not the Fund, shall serve as the workers' compensation insurer of last resort for workers' compensation insurance.
- (c) On and after October 1, 2013, the Fund:
 - (1) shall continue to exist; but
 - (2) may not issue new policies or otherwise engage in the business of insurance.
- (d)
 - (1) On and after October 1, 2013, the Fund shall be the third party administrator for the State's Self-Insured Workers' Compensation Program for State Employees under a contract with the State.
 - (2) At least once every 5 years, the Commissioner shall:
 - (i) review the State's Self-Insured Workers' Compensation Program for State Employees, as administered by the Fund, to determine whether the State is receiving effective administrative services at a reasonable cost; and
 - (ii) submit a report to the State Treasurer on the findings of the review.
- (e)
 - (1) Subject to subsection (f) of this section, in the operation of the Company, the Company shall use employees of the Company.
 - (2) Subject to subsection (f) of this section, in the operation of the Fund, the Fund:
 - (i) shall use employees of the Fund; and
 - (ii) may use nonsupervisory employees of the Company.

(3) The Fund shall:

(i) maintain a payroll and human resources system; and

(ii) be responsible for paying:

1. the employer portion of any payroll or other taxes and retirement or pension contributions for employees of the Fund; and

2. for any health or other employee benefits that are available to employees of the Fund.

(f) (1) Employees of the Fund may be assigned to perform functions of the Company under a contract between the Fund and the Company.

(2) Nonsupervisory employees of the Company may be assigned to perform functions of the Fund under a contract between the Fund and the Company.

(3) The Company and the Fund shall annually execute an agreement that lists:

(i) the employees of the Fund who have been assigned to perform duties on behalf of the Company; and

(ii) the nonsupervisory employees of the Company who have been assigned to perform duties on behalf of the Fund.

(4) The agreement shall:

(i) specify the employees who will be utilized by the Company and the Fund;

(ii) provide that, except with respect to assets necessary for the Fund to perform its duties under this subtitle, all assets and liabilities of the Fund are the assets and liabilities of the Company; and

(iii) be filed with the Administration.

(5) Notwithstanding § 15-703(f)(3)(i) of the State Government Article, an employee of the Fund may register and maintain registration as a regulated lobbyist if the employee:

(i) is assigned to perform functions of the Company under paragraph (1) of this subsection for which an employee of the Company would be required to register; and

(ii) registers on behalf of the Company.

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